



KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

**COPY MAILED**

MAY 04 2005

In re Application of  
Brigitte Chau Phan et al.  
Application No. 10/087,549  
Filed: February 28, 2002  
Attorney Docket No: BT12 00102703(USP3)  
USP8

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a) filed November 1, 2004, which is being treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by the named inventor.<sup>1</sup>

The petition is **GRANTED**.

In view of the efforts recounted in the petition to obtain the signature of KaYuen Yeung, it is agreed that justice would be served by waiving the requirement for her signature on the supplemental declaration filed November 1, 2004.

The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

This matter is being referred to Technology Center 1634.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

---

<sup>1</sup> Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.